

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 5, 2021

**SENT VIA U.S. MAIL AND EMAIL**  
**pshoulders@zsws.com**

Attorney Patrick A. Shoulders  
Zieman, Stayman, Weitzel, & Shoulders, LLP  
20 NW First Street, 9th Floor  
P.O. Box 916  
Evansville, IN 57706-0916

Re: Delaware Elementary School - Unconstitutional Ministry-School Partnership

Dear Attorney Shoulders:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring within the Evansville Vanderburgh School Corporation. FFRF is a national nonprofit organization with more than 36,000 members across the country, including almost 500 members and a chapter in Indiana. As you know from our previous communications, our purposes are to protect the constitutional principle of separation between state and church and to educate the public on matters relating to nontheism.

A concerned parent contacted us regarding the relationship between the Dream Center in Evansville and Delaware Elementary School. The Dream Center has the mission of “connecting children and families to God’s will.”<sup>1</sup> The Center provides services in six areas, including “Wrap-Around Care” and “School Integration.” The “Wrap-Around Care Coordinator spends significant time in homes with families and also in schools,...” School Integration includes providing “Peacemakers - full-time staff members who spend half their day at school, and half their day in [their] after-school program.” The Peacemakers “provide continuity.”

A newspaper article confirms that the Dream Center, a non-profit ministry, began focusing its efforts on Delaware Elementary School in 2018.<sup>2</sup> In the article, Principal Julie Underwood lauds the Center’s summer programming in preparing students for returning to school “and seeing it continue in the classroom will be equally important.”

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<sup>1</sup> <https://www.dreamcenterevansville.org>.

<sup>2</sup>

<https://www.courierpress.com/story/news/local/2020/08/30/students-evansville-elementary-school-getting-helping-hand/5644268002/>.

The Dream Center's Summer Day Camp "engag[es] K-6 students with the message of the Gospel."<sup>3</sup>

Principal Underwood continues to praise Delaware's association with the Dream Center in a YouTube video titled "Julie Underwood Speaks about Dream Center Evansville."<sup>4</sup> In the video, Underwood explains that Peacemakers "infiltrate homerooms" and "help at lunch and recess." In the more than seven-minute homage, she discusses how the Peacemakers are consistent adult role models for students who serve as important bridges between school and outside. In her opinion, students who already know the Peacemakers from summer camp and the Center's after-school program perform better in school in the presence of the familiar faces.

The Dream Center also discusses its Peacemakers in a YouTube video.<sup>5</sup> It explains that "[i]n our after-school programs Peacemakers play, teach, and walk alongside our kids helping them grow in their faith in Christ." The video then cuts to Principal Underwood's video emphasizing the importance of the consistency the Peacemakers provide.

The Dream Center is currently recruiting for a Peacemaker. A screenshot of the Indeed.com ad is enclosed. The full job description begins with the Center's mission of "connecting children and families to God's will." "This position is responsible for developing an evangelistic environment around them that nourishes program participants [sic] walk with Christ." Job requirements include that the applicant is "a member or regular attender of a Bible-believing church" and "[h]as a personal saving relationship with Jesus Christ." "Peacemakers are responsible for providing direct care in K-12 public school classrooms and after-school program settings."

While public schools may accept secular donations and services from community organizations, they cannot be used as recruiting grounds for religious organizations. It is well-settled law that public schools may not advance or promote religion. *See generally, Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCullum v Bd. of Ed.*, 333 U.S. 203 (1948). It is inappropriate and unconstitutional for the school to offer an evangelical Christian ministry unique access to its students during the school day and to have the principal publicly promote the relationship.

Courts have repeatedly struck down public school practices that affiliate public schools with religious groups and religious instruction. *See, e.g., Doe ex rel. Doe v. Beaumont Indep. Sch. Dist.*, 173 F.3d 274 (5th Cir. 1999) (ruling that school partnership with clergy for counseling purposes violated Establishment Clause); *HS v. Huntington Cnty. Cmty. Sch. Corp.*, 616 F. Supp. 2d 863 (N.D. Ind. 2009) (issuing preliminary injunction against school that allowed trailers on school property for religious instruction because to do so

<sup>3</sup> <https://www.dreamcenterevansville.org/activities>.

<sup>4</sup> [https://www.youtube.com/watch?v=RP51V\\_Ssx18](https://www.youtube.com/watch?v=RP51V_Ssx18).

<sup>5</sup> <https://www.youtube.com/watch?v=3-kcndKaTwk>.

conveyed a message of support and endorsement of religion); *Doe by Doe v. Shenandoah Cnty. Sch. Bd.*, 737 F. Supp. 913 (W.D. Va. 1990) (issuing temporary restraining order against school finding that buses used for religious instruction parked in front of the school gave the appearance of school involvement and that school employees took part in recruitment efforts); *Doe v. Human*, 725 F. Supp. 1499 (W.D. Ark. 1989), *aff'd without opinion*, 923 F.2d 857 (8th Cir. 1990) (issuing preliminary injunction against school practice of having outsiders teach voluntary bible instruction in school).

This “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to . . . nonadherents ‘that they are outsiders, not full members of the political community and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (O’Connor, J., concurring)).

The partnership between Delaware Elementary School and the Dream Center impermissibly advances religion, communicates a message of school endorsement of religion, and is the epitome of excessive entanglement between a school and religion. Public schools are obligated to operate separately from religion because “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Id.* at 310 (quoting *Lee*, 505 U.S. 577, 589 (1992)).

Fostering the partnership with a Christian evangelical ministry alienates non-Christian students, teachers, and parents whose religious beliefs are inconsistent with the message being promoted, including the 38% of Americans born after 1987 who are not religious.<sup>6</sup> Although voluntary participation would not make this partnership constitutional, even worse, per Principal Underwood, the Peacemakers “infiltrate” homerooms, meaning students realistically have no opportunity to avoid the Dream Center’s programming.

Although Principal Underwood believes the consistency that Peacemakers provide between school, after hours, and during summers, is a benefit to school performance, her description serves better to explain precisely why this partnership is unconstitutional. The First Amendment requires *separation*. Especially at the elementary school level, children cannot distinguish between a secular role an adult may serve in a school setting and a religious role the same adult serves outside of school.

The partnership between the Evansville Vanderburgh School Corporation and the Dream Center Evansville must cease. Delaware Elementary School cannot allow employees of a ministry to integrate with a public school. This is a blatant violation of the required separation of church and state. Principal Underwood must stop promoting the ministry; she is acting in an official capacity in her messaging. Please provide in writing the steps the School Corporation is taking to end the partnership and to ensure no further First Amendment violations.

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<sup>6</sup> Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at [www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).

An open records request is enclosed with this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen M. Heineman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Karen M. Heineman  
*Patrick O'Reiley Legal Fellow*  
*Freedom From Religion Foundation*

Enclosures (2)

# Peacemaker

Dream Center Evansville  
Evansville, IN

\$12.50 an hour - Full-time

Employer actively reviewed job 6 days ago

Apply Now



## Full Job Description

Dream Center believes that connecting children and families to God's will for their lives empowers them to be successful, self-sufficient members of the community.

We realize this belief by:

- Providing a sense of safety, love and community
- Building positive relationships in Christ
- Nurturing the greatest potential of everyone we serve

Position Title: **Peacemaker (PM)**

Reports to: **Assistant Site Coordinator**

Job Type/ Classification: Full Time/Hourly/Non-Exempt

**Position Summary:** Peacemakers are responsible for providing direct care in K-12 public school classrooms and after-school program settings. Peacemakers provide (1) five days a week out of school program, (2) relationships with both students, families and teachers, (3) a variety of blended learning activities, (4) in school classroom support, (5) social & emotional learning support, (6) spiritual mentoring, and (7) other duties as assigned.

Principal Responsibilities:

**Program Facilitation:** This position is responsible for ensuring the physical and psychological safety and enjoyability of learning environments through the implementation of:

- Best-practice classroom management skills,
- PBIS,
- Restorative Practices,
- Positive Youth Development strategies,
- Monitoring school lunches & free time,
- Connecting with students in meaningful ways, and
- Classroom supports (i.e. copying papers for teachers, monitoring special activities, etc).

PMs work with teachers to set the tone for learning in the classroom and are directly for culture and atmosphere in after-school classrooms. PMs work in a way that is consistent with the vision, mission, and culture of Dream Center Evansville.

**Spiritual & SEL Development:** This position is responsible for developing an evangelistic environment around them that nourishes program participants walk with Christ. PMs provide small group ministry that uses bible lessons, worship songs, and/or other activities to deliver the message of The Gospel. PMs use best practice shepherding skills to interact with students socially, emotionally, and behaviorally to teach them about justice, peace-making, and self-control.

**Academics Development:** The position is responsible for providing and facilitating in-school academic support as assigned by classroom teachers & school administrators. Additionally, PMs facilitate out of school academic interventions as assigned by the Academic Development Team. PMs ensure all targeted goals are met by leading blended learning activities such as I-Ready. PMs ensures each child has his/her homework completed during the program. Additionally, PMs plan crafts and activities that engage students in their many domains of learning.

**Job Specifications Requirements:**

- At least 1 year of experience with children and managing a classroom setting
- Models behavior that is consistent with Christ's teaching
- Must be a member or regular attender of a Bible-believing church
- Has a personal saving relationship with Jesus Christ
- Proven ability to work in a fast pace environment
- Can Multitask effectively
- Passionate about changing the lives of students in the Jacobsville community
- Demonstrates strong relationship building skills with children and adults

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Evansville, IN 57706-0916

Re: Open Records Request- Evansville Vanderburgh School Corporation

Dear Attorney Shoulders:

In connection to our letter, in response to the complaint of a local citizen, regarding the unconstitutional partnership between Delaware Elementary School, which is part of the Evansville Vanderburgh School Corporation, and Dream Center Evansville, we submit this open records request. Freedom From Religion Foundation is a national non-profit organization with over 36,000 members across the country, including almost 500 members in Indiana.

Pursuant to the Indiana Access to Public Records Act (IC § 5-14-3-1 et seq.), I request a copy of the following records:

- 1) All contracts between Evansville Vanderburgh School Corporation and Dream Center Evansville.
- 2) All records regarding Evansville Vanderburgh School Corporation's employment of and/or function of Dream Center Evansville's employees at Delaware Elementary School.
- 3) All communications between Delaware Elementary School employees and Dream Center Evansville and its employees or representatives.
- 4) All records and communications pertaining to the position and purpose of Peacemakers at Delaware Elementary School.

If you do not maintain these public records, please forward this request to the proper custodian and respond to me with the name and address of the custodians. If you choose to deny this request, please respond with a written explanation of the denial, including any references to applicable statutory exemptions. Per statute, a response is required within seven days.

If any of these records are available through electronic media, they may be e-mailed to me at [karen@ffrf.org](mailto:karen@ffrf.org). If I can provide any clarification that will help expedite your

attention to my request, please contact me at 608-256-8900. I appreciate your time and attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen M. Heineman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karen M. Heineman  
*Patrick O'Reiley Legal Fellow*  
*Freedom From Religion Foundation*